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10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**  
12 **SAN FRANCISCO DIVISION**

13 JASMINE HUBBARD AND MARVEL  
MILLS, individually and on behalf of a class  
14 of similarly situated individuals,

15 Plaintiffs,

16 vs.

17 WENNER MEDIA LLC, a Delaware limited  
liability company

18 Defendant.  
19

Case No. 3:11-cv-04648-EMC

**STIPULATION AND ~~[PROPOSED]~~**  
**ORDER TO RESCHEDULE**  
**SETTLEMENT CONFERENCE**

Judge: Hon. Maria-Elena James

20 Pursuant to Civil Local Rules 6-1(b) and 6-2 of the United States District Court for the  
21 Northern District of California and the Magistrate Judge's Order Setting Settlement Conference  
22 (Dkt. 54), it is hereby stipulated by and among Plaintiffs Jasmine Hubbard and Marvel Mills and  
23 Defendant Wenner Media LLC (collectively the "Parties"), by and through their respective  
24 counsel of record, as follows:  
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1  
2 WHEREAS, Plaintiff filed the Complaint in this case on September 20, 2011 (dkt. 1);

3 WHEREAS, the Parties agreed to participate in a settlement conference with the Hon.  
4 Maria-Elena James (dkt. 52);

5 WHEREAS, Magistrate Judge James entered an Order setting a Settlement Conference for  
6 May 2, 2012 at 10:00 a.m. (dkt. 54);

7 WHEREAS, on April 18, 2012, the Parties stipulated to reset the Settlement Conference in  
8 this case to July 25, 2012 (dkt. 59);

9 WHEREAS, Magistrate Judge James issued an Order resetting the Settlement Conference  
10 to July 25, 2012 (dkt. 60);

11 WHEREAS, Plaintiff has been diligently seeking discovery from third-parties that possess  
12 information relevant to this lawsuit including third-parties Revenue Enhancement Consultants,  
13 Inc. and Trifecta Marketing Group, Inc. ("Trifecta");

14 WHEREAS, on April 17, 2012, Plaintiff issued a *subpoena duces tecum* on Trifecta  
15 seeking information that would facilitate meaningful settlement discussions between the Parties;

16 WHEREAS, Plaintiff expected to receive the documents from Trifecta in advance of the  
17 July 25, 2012 settlement conference;

18 WHEREAS, on May 29, 2012, Trifecta responded to Plaintiff's subpoena with a very  
19 limited number of documents that were already produced by other third-parties, and further  
20 informed Plaintiff that it could not produce additional documents due to a "memory loss" on one  
21 of its computers;

22 WHEREAS, Plaintiff has been communicating with Trifecta to determine alternative  
23 locations of electronically stored information ("ESI") in Trifecta's possession;

24 WHEREAS, should Plaintiff and Trifecta be unable to resolve their discovery disputes  
25 informally, Plaintiff will request a meet-and-confer in advance of Plaintiff's motion to compel;

26 WHEREAS, the Parties agree that it would not be an efficient use of the Parties' or the  
27 Court's time and resources to conduct a settlement conference on July 25, 2012 without the  
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evidence necessary to have meaningful settlement discussions;

WHEREAS, Magistrate Judge James' chambers has informed the Parties that November 13, 2012 is an available date to hold the Settlement Conference;

WHEREAS, Magistrate James' chambers has informed the Parties that rescheduling the Settlement Conference to November 13, 2012 is acceptable;

WHEREAS, this is the Parties' second request to continue the date of the settlement conference.

Pursuant to L.R. 6-2, IT IS HEREBY STIPULATED AND AGREED by the Parties, through their counsel, that, with the Court's agreement, the settlement conference be reset from July 25, 2012 to November 13, 2012. IT IS SO STIPULATED.

DATED this 16th day of July 2012.

EDELSON MCGUIRE LLP

DAVIS WRIGHT TREMAINE LLP

By: /s/ Sean Reis

By: /s/ Thomas R. Burke

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Attorneys for Wenner Media LLC

**ORDER**

Pursuant to stipulation, the foregoing is approved and IT IS SO ORDERED.

IT IS SO ORDERED.

DATED: July 19, 2012



\_\_\_\_\_  
THE HONORABLE MARIA-ELENA JAMES  
UNITED STATES MAGISTRATE JUDGE

**CERTIFICATION**

I, Sean Reis, am the ECF User whose identification and password are being used to file this *Stipulation And [Proposed] Order to Reschedule Settlement Conference*. In compliance with General Order 45.X.B., I hereby attest that the Counsel whose electronic signatures appear on this document have concurred in this filing and that the same will be delivered to those registered with the Court's CM/ECF system.

Dated: July 16, 2012

EDELSON MCGUIRE LLP

/s/ Sean Reis

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